



DAC / \$ #7

PTO/SB/64 (10-00)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
**PA1675US**

First named inventor: **Clifford L. Hersh**

Application No.: **09/701,797**

Group Art Unit: **unknown**

Filed: **December 1, 2000**

Examiner: **Unknown**

Title: **Method for Increased Concurrency In a Computer System**

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 640 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Notification of a Defective Oath or Declaration, Response, and \$65.00 (identify type of reply):

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.  
 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

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[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

October 19, 2001

\_\_\_\_\_  
Date

Telephone  
Number: (650) 812-3472



Reg. no. 41,177  
\_\_\_\_\_  
Signature

Morgan E. Malino

\_\_\_\_\_  
Typed or printed name

2225 East Bayshore Road, Suite 200

\_\_\_\_\_  
Address

Palo Alto, CA 94303

Enclosures:  Fee Payment

- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other: \_\_\_\_\_ Fee Calculation Sheet, Notification, Post Card.

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

October 19, 2001

\_\_\_\_\_  
Date



Reg. no. 41,177  
\_\_\_\_\_  
Signature

Morgan E. Malino

\_\_\_\_\_  
Type or printed name of person signing certificate



PTO/SB/17 (11-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**

**(\$705.00)**

## Complete if Known

Application Number	09/701,797
Filing Date	12/01/2000
First Named Inventor	Clifford Hersh
Examiner Name	Unknown
Group Art Unit	Unknown
Attorney Docket No.	PA1675US

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	06-0600
Deposit Account Name	Carr & Ferrell, LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	65
127	50	227	25 Surcharge - late provisional filing fee or cover sheet	
139	130	139	130 Non-English specification	
147	2,520	147	2,520 For filing a request for ex parte reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	390	216	195 Extension for reply within second month	
117	890	217	445 Extension for reply within third month	
118	1,390	218	695 Extension for reply within fourth month	
128	1,890	228	945 Extension for reply within fifth month	
119	310	219	155 Notice of Appeal	
120	310	220	155 Filing a brief in support of an appeal	
121	270	221	135 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive - unavoidable	
141	1,240	241	620 Petition to revive - unintentional	640
142	1,240	242	620 Utility issue fee (or reissue)	
143	440	243	220 Design issue fee	
144	600	244	300 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	50	123	50 Processing fee under 37 CFR 1.17(e)	
126	180	126	180 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment or property (times number of properties)	
146	710	246	355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355 For each additional inventor(s) not examined (37 CFR § 1.129(b))	
179	710	279	355 Request for Continued Examination (RCE)	
169	900	169	900 Request for expedited examination of a design application	
Other fee (specify) _____				

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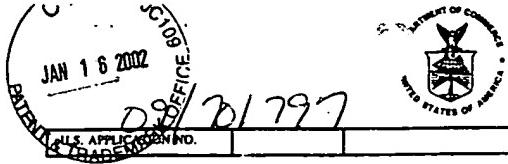
\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$ 705)**

## SUBMITTED BY

Name (Print/Type)	Morgan E. Malino	Registration No. (Attorney/Agent)	41,177	Telephone	(650) 812-3472
Signature				Date	October 19, 2001

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/701,797		CLIFFORD	H PA1675US
022830		5071	INTERNATIONAL APPLICATION NO. PCT/US99/12433
CARR & FERRELL LLP 2225 EAST BAYSHORE ROAD SUITE 200 PALO ALTO CA 94303			I.A. FILING DATE      PRIORITY DATE 06/03/99      03/06/98 02/23/01
DATE MAILED:			

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. [Both Applicants must be listed]  
[on both declarations]
- does not identify the specification to which it is directed.
- does not identify the inventor(s).
- does not identify the citizenship of each inventor.
- does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

- does not identify the city and state or city and foreign country of residence or each inventor.
- does not state that the person making the oath or declaration:
  - a.  has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b.  acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
- does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
- does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Telephone: (703)

FORM PCT/DO/EO/917 (September 1996)

Action: Response to  
Defective PDA Due Date  
Due:  
Due:  
Due:  
Due:  
Due:  
Dated by: JCI Date: 2/28/2001  
Atty/Clerk/SS/Int'l Mgr:



IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Clifford L. Hersh, Herbert W. Sullivan  
SERIAL NO.: 09/701,797  
FILING DATE: 12/1/2000  
TITLE: Method for Increased Concurrency in a Computer System  
EXAMINER: n/a  
GROUP ART UNIT: n/a  
ATTY.DKT.NO.: PA1675US

---

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, Washington, D.C. 20231, on the date printed below:

Dated: October 19, 2001

Morgan E. Malone

---

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**RESPONSE TO NOTIFICATION OF A DEFECTIVE  
OATH OR DECLARATION**

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Sir:

Applicants believe the enclosed submission constitutes a complete reply to the outstanding Notification of a Defective Oath or Declaration mailed on February 23, 2001.

The attached declaration fully complies with 37 CFR 1.63 – 1.69. The first two pages have been executed by the legal representative of Herbert W. Sullivan (deceased). All four pages have been executed by Clifford L. Hersh. Together, the four-page declaration satisfies the statutory requirements. Of specific note, both inventors are identified on page one of the declaration (“First Named Inventor” is listed as Clifford L. Hersh, and the statement “I believe that Herbert W. Sullivan was the first and joint

{00041230v1}

01/17/2002 CCHAU1 00000009 09701797  
65.00 OP  
02 FC:205

inventor . . ." is made) as well as on page four (signature blocks identify both Mr. Hersh and Mr. Sullivan as inventors). Additionally, the citizenship, residence and mailing address of both inventors are identified on page four, and the citizenship, residence and mailing address of Joan Todd, legal representative of Mr. Sullivan, is identified on page two.

Accordingly, Applicants believe the attached declaration constitutes a complete reply to the outstanding Office Action.

Respectfully submitted,

Clifford L. Hersh and  
Herbert W. Sullivan

Dated: October 19, 2001

By:



Morgan E. Malino  
Attorney, Reg. No. 41,177  
CARR & FERRELL LLP  
2225 East Bayshore Road, Suite 200  
Palo Alto, CA 94303  
TEL: (650) 812-3400  
FAX: (650) 812-3444

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing      OR       Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	PAL675US
First Named Inventor	Clifford L. Hersh
<b>COMPLETE IF KNOWN</b>	
Application Number	09/701,797
Filing Date	December 1, 2000
Group Art Unit	unknown
Examiner Name	unknown

As a below named legal representative, I hereby declare on information and belief that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe that Herbert W. Sullivan was the first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Method For Increased Concurrency In A Computer System**

*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 12/01/2000 as United States Application Number or PCT International

(if applicable).

Application Number 09/701,797 and was amended on (MM/DD/YYYY)  

On information and belief Herbert W. Sullivan reviewed and understood the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

On information and belief Herbert W. Sullivan acknowledged the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Herbert W. Sullivan hereby claims foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			YES	NO
PCT/US99/12433	PCT	06/03/1999	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

Herbert W. Sullivan hereby claims the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/087,891	06/03/1998	<b>RECEIVED</b> JAN 18 2002

[Page 1 of 2]

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:

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or Bar Code Label



OR

Correspondence address below

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Name

PATENT TRADEMARK OFFICE

Address

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### NAME OF FIRST INVENTOR'S LEGAL REPRESENTATIVE: (Representing Herbert W. Sullivan)

Given Name Joan  
(first and middle [if any])

Family Name Todd  
or Surname

Representative's  
Signature

Date

1/30/001

Residence: City

NEW YORK

State N.Y.

Country U.S.

Citizenship

U.S.A.

Mailing Address

205 WEST END Avenue

Mailing Address

APT. 22E

City NEW YORK

State N.Y.

ZIP 10023

Country U.S.A.

### NAME OF SECOND INVENTOR:

A petition has been filed for this unsigned inventor

Given Name  
(first and middle [if any])

Family Name  
or Surname

Inventor's  
Signature

Date

Residence: City

State

Country

Citizenship

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Mailing Address

Mailing Address

City

State

ZIP

OFFICE OF PETITIONS  
DEPUTY A/C PATENT

Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.



Please type a plus sign (+) inside this box → **[+]**

#8

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration  
Submitted  
with Initial  
Filing

OR

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number	PA1675US
First Named Inventor	Clifford L. Hersh
<b>COMPLETE IF KNOWN</b>	
Application Number	09/701,797
Filing Date	December 1, 2000
Group Art Unit	unknown
Examiner Name	unknown

As a below named Inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor  
of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Method For Increased Concurrency In A Computer System**

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY)

12/01/2000

as United States Application Number or PCT International

(if applicable).

Application Number

09/701,797

and was amended on (MM/DD/YYYY)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
PCT/US99/12433	PCT	06/03/1999	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

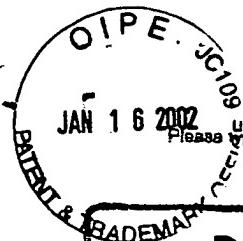
Application Number(s)	Filing Date (MM/DD/YYYY)	Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
60/087,891	06/03/1998	<input type="checkbox"/>

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:  Customer Number  
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PATENT TRADEMARK OFFICE

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Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR :	<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor
----------------------------------	--

Given Name Clifford L. (first and middle [if any])	Family Name Hersh or Surname
---	---------------------------------

Inventor's Signature	Date 10/11/01
----------------------	---------------

Residence: City Berkeley	State CA	Country USA	Citizenship USA
--------------------------	----------	-------------	-----------------

Mailing Address 2631 Piedmont Ave

Mailing Address

City Berkeley	State CA	ZIP 94704	Country USA
---------------	----------	-----------	-------------

NAME OF SECOND INVENTOR:	<input type="checkbox"/> A petition has been filed for this unsigned inventor
--------------------------	---

Given Name Herbert W. (first and middle [if any])	Family Name Sullivan or Surname
--	------------------------------------

Signature of Joan Todd (representative of Herbert Sullivan), along with her address and citizenship Signature appear on page 2 of Declaration	Date n/a
--	----------

Residence: City New York	State NY	Country USA	Citizenship USA
--------------------------	----------	-------------	-----------------

Mailing Address 205 West End Avenue

Mailing Address Apt. 22E

City New York	State New York	ZIP 10023	Country USA
---------------	----------------	-----------	-------------

Additional Inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

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